

IV. Remarks

The Specification:

The Office Action of June 20, 2006 has been carefully considered. In response thereto, paragraph [0035] of Applicants' specification has been amended to correct an obvious typographical error.

The Claims:

In response to the Office Action of June 20, 2006, claims 1, 8, 10, 13, 17, 20, 21, 23 have been amended. Claims 4, 9, 22 have been cancelled. Claims 1-3, 5-8, 10-21 and 23-26 remain in this application for further prosecution on the merits.

Claim 1 has now been amended to include "said vent comprising a centrally located longitudinal rib having a roof facing side thereof, said roof facing side of said centrally located longitudinal rib comprising a plurality of undulated planar surfaces of alternating height."

Support for this claim amendment can be found in claim 6 and FIG. 1 (surface 30).

Claim 8 has also been amended to include a transverse support "groove", "wherein said transverse support groove is disposed transversely across said elongated member, including across said centrally located longitudinal rib, so as to provide transverse support to said vent."

Support for this amendment can also be found in FIG. 1, as well as former claim 9.

Claim 10 has been amended to now depend from claim 8.

Claim 13 has been amended to state that the longitudinal rib has "a pair of sidewalls and a roof facing surface", and the integral baffle is "located along a roof facing side of said

elongated member, including the roof facing surface of said longitudinal rib.” Support for this claim amendment is also found in FIG. 1.

Claim 17 has been amended such that the disposing step (c) disposes the vent “essentially entirely” between a pair of adjacent roof rafters and along the underside of the roof sheathing. While this would exclude almost any portion of the vent surface from being outside the space of adjacent roof rafters, it would, obviously, not foreclose the ability of small flanges 32 to be attached by adhesives or fasteners to the bottom facing side of the rafters 108, as stated in paragraphs [0032 - 0033] of Applicants’ specification.

Claim 20 has been amended to require that the integral baffle be disposed along “essentially the entire roof facing side thereof which is in contact with flowing air”. This means that flowing air would be in contact with the integral baffle of the baffle attic vent of claim 20 essentially over its entire roof facing side. As shown in FIG. 1 and 2, the obvious surfaces that would not be in contact with flowing air would be the small flanges 32 and the peaks (as opposed to the valleys) of the baffle surface on the longitudinal rib 30 which could be in contact with the roof sheathing.

Claim 21 has now been amended to incorporate the limitations of claim 22, such that the “polymeric insulation comprises a semi-rigid, semi-resilient, foamed, closed cell polymeric resin”. There appears to be no disclosure in Quinnell ‘756 or Mankowski ‘445 for a *foamed, closed cell* polymeric resin, as discussed below.

Claim 23 has been amended to now depend from claim 21.

Finally, Claim 26 has not been amended since the limitation of “separation means for permitting said vent to be separated by hand in a first transverse direction” has not been discussed by the Examiner, and this feature is not found in Quinnell ‘756 or Mankowski ‘445.

The Office Action:

In the Office Action of June 20, 2006, the Information Disclosure Statement (IDS) was questioned, since it was not apparent to the Examiner that proper information was provided for all of the reverences. Applicants have now submitted an additional IDS which breaks down the commercial attic vent abstracts that were originally submitted under the heading “DiversiFoam, Trade Literature, 4 pages, undated”, in Applicants’ originally submitted 1449A form. Applicants have now identified each of these commercial products separately in a new 1449A form for the Examiner’s consideration. These references are also discussed in Applicants’ specification at paragraph [0004] and in FIGS. 5-8. Reconsideration of this prior art is respectfully requested.

Additionally, Applicants would appreciate the return of the originally provided document entitled “DiversiFoam, Trade Literature, 4 pages, undated”, as it contains privileged information that Applicants did not intend to make of record in this Application.

On page 3 of the Office Action, claims 1-20 and 26 were rejected under 35 USC §102(b) as anticipated by or, in the alternative, under 35 USC §103(a) as obvious over A. Quinnell, GB 2, 145,756. The Examiner’s position with respect to Quinnell ‘756 is as follows:

Quinnell ‘756 discloses and shows in figures a baffled attic vent 3, having an elongated member with a pair of longitudinal sides, first and second traverse ends, and a central panel with an integral baffle surface. Formed within the baffle surface are traverse supports within the central panel of the vent. The longitudinal side portions have an integral flange at the top edge. The vent of

Quinnell '756 extends substantially between a pair of roof rafters between the soffit area of a roof and the attic air space. Quinnell '756 shows all of the structural embodiments recited in the above claims as seen in figures 1, 3 and 4 and described on page 2, lines 26-104 as such is considered capable of convective airflow reading, under a 5 Pa air pressure differential, of at least about 95 CFM.

Quinnell teaches a "W" shaped duct member that is designed *to straddle the rafter at its midpoint, instead of being located essentially entirely between the rafters*, as now required by claim 17, for example. Quinnell teaches that its duct member can be made of extruded plastics or "light weight sheet material", but does not disclose "a semi-rigid, semi-resilient, foamed, closed cell polymeric resin", as required by amended claim 21 (former claim 22). Accordingly, claims 17-19, 21 and 23-25 appear patentable over Quinnell '756.

The Examiner will note that Quinnell '756 has a centrally located longitudinal rib 15 similar to Applicants' rib 30. However, this rib or "inverted 'U'-shaped portion 15" saddles the rafter and does not have a baffled surface - it is flat on both sides. As shown in FIG. 2 of Quinnell '756, his duct is

secured to and saddling each rafter as shown in Fig. 2 is a ducting member 3 in the form of a substantially rigid extrusion, which is generally "W" shaped in cross-section.... The member 3 is sufficiently rigid for duct forming portions to be self supporting. Thus, the roof insulating material 4 which is typically pushed into the eves and may as shown in Fig. 2 extend beyond the inner wall 2 of the cavity, is spaced from the roof covering either side of each rafter by the ducting members. (Quinnell '756, page 2, lines 33-47.)

The surface of Quinnell's inverted "U" cross-section facing the roof is flat, and does not include "undulated planar surfaces of alternating height", as required in claims 1, or a "transverse support groove disposed across the centrally located longitudinal rib", as required in claims 8, or

“an integral baffle surface located along the roof facing side of the longitudinal rib”, as required in claim 13, or a “baffle surface along essentially the entire roof facing side in contact with flowing air”, as required in claim 20. Accordingly, reconsideration of claims 1-3, 5-8, 10-21 and 23-26 is respectfully requested in view of Quinnell ‘756, since it fails to disclose the salient limitations of these claims.

In addition to the above rejection, the Examiner has rejected claim 21 under §103(a) as being unpatentable over Quinnell ‘756, and claims 22-25 as being unpatentable over Quinnell ‘756 in view of Mankowski ‘445. The Examiner has added the teachings of Mankowski ‘445, stating that “Mankowski ‘445 teaches the use of plastic or specifically polypropylene material [claims 3, 4, 16] to form a roof ventilator.” Again, claim 22, which has now been incorporated into claim 21, requires a foamed, closed cell polymeric resin, which is not provided by a mere polypropylene material alone, as suggested by the Examiner’s position with respect to Mankowski ‘445. Foamed materials have entrapped air bubbles which provide greater insulation value in a duct system which transports cooling air. As such, the combination of Quinnell ‘756 and Mankowski ‘445 fails to disclose a foamed, closed cell polymeric resin. Therefore, Applicants respectfully reconsideration of the Examiner’s rejection of claims 21-25 under §103(a).

Finally, on page 3 of the Office Action, claim 26 has been rejected as anticipated or rendered obvious by Quinnell ‘756. Claim 26 requires “separation means for permitting said vent to be separated by hand in a first transverse direction”. This feature is further described in Applicants’ specification at paragraph [0030], in which it is stated that:

Along the center of the centrally-located longitudinal rib 30 is a preferred single separator, such as a threaded pull string, score line, weakened area, crease or a longitudinal perforation 31 that allows the vent to be split in half to be installed in areas where the rafters 108 are spaced close together. The preferred double channel design fits between rafters on 24" centers (most common). Splitting the double channel along this perforation 31 allows a single channel to be installed between rafters on 16" or 12" centers (less common).

Since there is no disclosure in either Quinnell '756 or Mankowski '445 for providing means for separating the vent by hand in a first transverse direction, claim 26 appears to be patentable on its face.

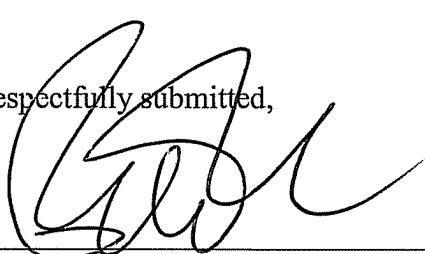
In view of the above, reconsideration of the present application is respectfully requested, and an early Notice of Allowance is earnestly solicited.

The Examiner is urged to contact the undersigned at 215-979-1252 if further discussion on the merits of this application is necessary, or questions regarding further examination are raised by the Examiner.

Date: 11/10/06

Respectfully submitted,

By:


Peter J. Cronk

Registration No: 32,021

Customer No. 08933
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103-4196
Direct Dial: 215-979-1252
Facsimile: 215-979-1020

Enclosure: IDS with copies of cited references